

Katoff J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

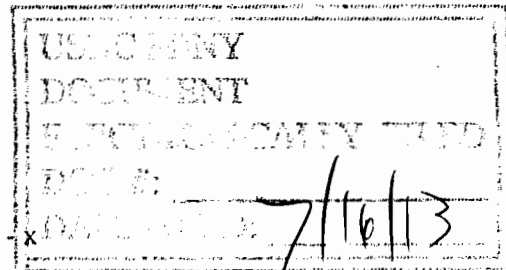
BAYER HEALTHCARE LLC,

Plaintiff,

vs.

SERGEANT'S PET CARE PRODUCTS, INC.

Defendant.



13-cv-2501 (JSR)
ECF CASE

STIPULATION OF DISMISSAL WITH PREJUDICE

WHEREAS, Bayer Healthcare LLC ("Bayer") initiated this proceeding against Sergeant's Pet Care Products, Inc. ("Sergeant's") and Sergeant's brought counterclaims against Bayer;

WHEREAS the undersigned parties have agreed to the dismissal with prejudice of all claims and counterclaims brought against each other in this matter;

NOW THEREFORE, the undersigned parties agree as follows:

1. The parties shall abide by the terms of the Confidential Settlement Agreement dated July 12, 2013.

2. This action (including all claims and counterclaims) is hereby dismissed with prejudice, each party to bear its own fees and costs.
3. No appeals shall be taken from any order approving this stipulation.

Dated: July 15, 2013

SHEPPARD, MULLIN,
RICHTER, & HAMPTON LLP

By: Mark E. McGrath
Paul W. Garrity
(pgarrity@sheppardmullin.com)
Mark E. McGrath
(mmcgrath@sheppardmullin.com)

30 Rockefeller Plaza
New York, New York 10112
(212) 653-8700

*Attorneys for Sergeant's Pet Care
Products, Inc.*

DEBEVOISE & PLIMPTON LLP

By: David H. Bernstein
David H. Bernstein
(dhbernstein@debevoise.com)
Michael Schaper
(mschaper@debevoise.com)
Christopher J. Hamilton
(cjhamilt@debevoise.com)

919 Third Avenue
New York, New York 10022
(212) 909-6000

*Attorneys for Bayer HealthCare
LLC*

So ordered this 15th day of July, 2013.

Jed S. Rakoff
Hon. Jed S. Rakoff
United States District Judge

DJ7